



Queen's University at Kingston

SPEECH

OF THE

HON. SIR JOHN A. MACDONALD, K.C.B.,

ON INTRODUCING THE BILL TO GIVE EFFECT TO THE

TREATY OF WASHINGTON,

AS REGARDS CANADA,

DELIVERED IN THE HOUSE OF COMMONS OF CANADA, ON FRIDAY, THE 3rd DAY OF MAY, 1872.

MR. SPEAKER,—I move for leave to bring in a Bill to carry into effect certain clauses of the Treaty negotiated between the United States and Great Britain in 1871. The object of the Bill is stated in the title. It is to give validity, so far as Canada is concerned, to the Treaty, which was framed last year in the manner so well known to the House and country. The Bill in itself as I proposed to introduce it the other day was simply a Bill to suspend those clauses of the Fishery Acts, which prevent fishermen of the United States from fishing in the inshore waters of Canada, such suspension to continue during the existence of the Treaty. I confined it to that object at that time because the question really before this House, was whether the fishery articles of the Treaty should receive sanction of Parliament or not. As however, a desire was expressed on the other side that I should enter into the object fully on asking leave to bring in the Bill, and as on examining the cognate Act, which has been laid before Congress at Washington, I find that all the subjects even those subjects which do not require legislation—have been repeated in that Act, in order, one would suppose, to make the Act in the nature of a contract to be obligatory during the existence of the Treaty, so that in good faith it could not be repealed during that time, I propose to follow the same course. The Act I ask leave to bring in provides in the first clause for the suspension of the fishery laws of Canada so far as they prevent citizens of the United States from fishing in our inshore waters. The Bill also provides that during the existence of the Treaty, fish and fish oil, (ex-

cept fish of the inland lakes of the United States and the rivers emptying into those lakes, and fish preserved in oil,) being the produce of fisheries of the United States shall be admitted into Canada, free of duty. The third clause provides for the continuance of the bonding system during the twelve years, or longer period provided by the Treaty, and the fourth clause provides that the right of transshipment contained in the 30th clause of the Treaty shall, in like manner, be secured to citizens of the United States during the existence of the Treaty. The last clause of the bill provides that it shall come into effect whenever, upon an Order-in-Council, a proclamation of the Governor General is issued giving effect to the act. In submitting the act in this form I am aware that objections might be taken: to some of the clauses on the ground that having relation to questions of trade and money they should be commenced by resolution adopted in Committee of the Whole. That objection does not apply to the whole of the bill—to those clauses which suspend the action of our fishery act; but it would effect, according to the general principle, the clause which provides that there shall be no duty on fish and fish-oil, and also the clauses respecting the bonding system and transshipment. I do not, however, anticipate that that objection will be taken, because in presenting the Bill in this form I have followed the precedent established in 1854, when the measure relating to the Reciprocity Treaty was introduced into Parliament. It was then held that, the Act having been introduced as based upon a Treaty which was submitted by

FSD 12

1872

m 35

a message from the Crown, became a matter of public and general policy, and ceased to be merely a matter of trade, and although those hon. gentlemen who interested themselves in Parliamentary and political matters at that date will remember that the Act which was introduced by the Attorney General for Lower Canada, in 1854, Mr. Drummond, was simply an Act declaring that various articles being the produce of the United States should during the existence of the Treaty be received free into Canada, and that Act repealed the tariff *pro tanto*, it was not introduced by resolution, but after the Treaty had been submitted and laid on the table, and after a formal message had been brought down by Mr. Morin, the leader of the Government in the House, to the effect that the Bill was introduced with the sanction of the Governor-General. I do not, therefore, anticipate that objection will be taken by any hon. member, and I suppose the precedent so solemnly laid down at that time will be held to be binding now. Should objection, however, be taken, the clauses of the Bill respecting the suspension of the Fishery Act and transshipment, are sufficient to be proceeded with in this manner, the other portions may be printed in italics, and can be brought up as parts of the Bill or separately as resolutions, as may be thought best. The journals of the House stated that on the 21st of September, 1854, Mr. Chauveau submitted a copy of the Treaty, which was set out on the face of the journals. On the same day Mr. Drummond asked leave of the House to bring in a Bill to give effect to a certain Treaty between Her Majesty and the United States of America; and on the 22nd, on the order of the day for the second reading of the Bill, Mr. Morin, by command, brought down a message from the Governor-General, signifying that it was by His Excellency's sanction it had been introduced, whereupon the House proceeded to the second reading. That Bill was a simple one, declaring that various articles mentioned in the Treaty should, during the existence of the Treaty, be admitted into this country free of duty. The House now, Mr. Speaker, if they give leave that this Bill shall be introduced and read a first time, will be in the possession of all those portions of the Treaty of Washington that in any way come within the action of the Legislature. Although the debate upon this subject will, as a matter of course, take a wide range, and will properly include all the subjects connected with the Treaty in which Canada has any interest, yet it must not be forgotten that the Treaty as a whole is in force with the particular exceptions I have mentioned; and the decision of this House will after all be simply whether the articles of the Treaty extending from the 18th to the 25th, shall receive the sanction of Parliament, or whether those portions of the Treaty shall be a dead letter. This subject has excited a great deal of interest, as was natural in Canada, ever since 8th May, 1871, when the Treaty was signed at Washington. It has been largely

discussed in the public prints, and opinions of various kinds have been expressed upon it—some altogether favourable, some altogether opposed, and many others of intermediate shades of opinion—and among other parts of the discussion has not been forgotten, the personal question relating to myself—the position I held as a member of this Government, and as one of the High Commissioners at Washington. Upon that question I shall have to speak by-and-by, yet it is one that has lost much of its interest, from the fact that by the introduction of this Bill the House and country will see that the policy of the Government, of which I am a member, is to carry out or try to carry out the Treaty, which I signed as a plenipotentiary of Her Majesty. Under the reservation made in the Treaty, this House and the Legislature of Prince Edward Island have full power to accept the fishery articles or reject them. In that matter this House and Parliament have full and complete control (hear, hear). No matter what may be the consequences of the action of this Parliament, no matter what may be the consequences with respect to future relations between Canada and England, or between Canada and the United States, or between England and the United States, no matter what may be the consequences as to the existence of the present Government of Canada, it must not be forgotten that this House has full power to reject the clauses of the Treaty if they please, and maintain the right of Canada to exclude Americans from inshore fisheries, as if the Treaty had never been made (hear, hear). That reservation was fully provided in the Treaty. It was made a portion of it—an essential portion; and if it had not been so made, the name of the Minister of Justice of Canada would not have been attached to it (hear, hear.) That right has been reserved, and this Parliament has full power to deal with the whole question. I will by-and-by speak more at length as to the part I took in the negotiations; but I feel that I performed my duty a grave and serious duty, but still my duty—in attaching my signature to the Treaty as one of Her Majesty's representatives and servants (hear, hear.) Now, sir, let me enter into a short retrospect of occurrences which transpired for some years before arrangements were entered into for negotiating the Treaty. The Reciprocity Treaty with the United States existed from 1854 to 1866, in which latter year it expired. Great exertions were made by the Government of Canada, and a great desire was expressed by the Parliament and people of Canada for a renewal of that Treaty. It was felt to have worked very beneficially for Canada. It was felt to have worked also to the advantage of the United States: and there was a desire and a feeling that those growing interests which had been constantly developing and increasing themselves during the existence of the Treaty would be greatly aided if it were renewed and continued. I was a member of the Government at that time with some of my hon.

friends who are still my colleagues, and we took every step in our power, we spared no effort, we left no stone unturned, in order to gain that object. The House will remember that for the purpose of either effecting a renewal of the Treaty, or if we could not obtain that, of arriving at the same object by means of concurrent legislation, my honorable friend the member for Sherbrooke, at that time Finance Minister, and the present Lieutenant-Governor of Ontario, went to Washington on behalf of the Government of Canada. It is a matter of history that all their exertions failed, and after their failure by the general consent—a consent in which I believe the people of Canada were as one man—we came to the conclusion that it would be humiliating to Canada to make any further exertions at Washington, or to do anything more in the way of pressing for the renewal of that instrument, and the people of this country with great energy addressed themselves to find other channels of trade—other means of developing and sustaining our various industries, in which I am happy to say they have been completely successful. Immediately on the expiration of the Treaty our right to the exclusive use of the inshore fisheries returned to us, and it will be in remembrance of the House that Her Majesty's Government desired us not to resume, at least for a year, that right to the exclusion of American fishermen, and that the prohibition of Americans fishing in those waters should not be put in force either by Canada or the Maritime Provinces. All the Provinces, I believe, declined to accede to the suggestion, and it was pressed strongly on behalf of the late Province of Canada that it would be against our interests if for a moment after the Treaty ceased we allowed it to be supposed that American fishermen had a right to come into our waters as before; and it was only because of the pressure of Her Majesty's Government, and our desire to be in accord with that Government, as well as because of our desire to carry with us the moral support of Great Britain; and the material assistance of her fleet, that we assented with great reluctance to the introduction of a system of licenses for one year at a nominal fee or rate. This was done avowedly by us for the purpose of asserting our right. No greater or stronger mode of asserting a right and obtaining the acknowledgment of it by those who desired to enter our waters for the purpose of fishing could be devised than by exacting payment for the permission and therefore it was that we assented to the licensing system (hear, hear). Although in 1866 that system was commenced, it did not come immediately into force. We had not then fitted out a Marine Police Force, for we were not altogether without expectation that the mind of the Government of the United States might take a different direction, and that there was a probability of negotiations being renewed respecting the revival of the Reciprocity Treaty; and therefore although the system was established, it was not rigidly put in force,

and no great exertion was made to seize trespassers who had not taken out licenses. In the first year however a great number of licenses were taken out, but when the fee was increased so as to render it a substantial recognition of our rights the payments became fewer and fewer, until at last it was found that the vessels who took out licences were the exception, and that the great bulk of fishermen who entered our waters were trespassers; and in addition to the fact that our fisheries were invaded, that we were receiving no consideration for the liberty, and that our rights were invaded boldly and aggressively, it was now stated by the American Government or members of the American Cabinet that the renewal of the Reciprocity Treaty was not only inexpedient, but unconstitutional, and that no such renewal could or would be made. The Government of Canada then in 1870, after conference with the Imperial Government, and after receiving the promise of the Imperial Government that we should have the support of their fleet in the protection of our just rights—a promise which was faithfully carried out,—prepared and fitted out a sufficient force of Marine Police vessels to protect our rights, and I am glad to believe that that policy was perfectly successful. Great firmness was used, but, at the same time, great discretion: there was no harshness, and no seizures were made of a doubtful character. No desire to harass the foreign fishermen was evidenced, but, on the contrary, in any case in which there was doubt the officers in command of the seizing vessel reported to the head of their Department, and when the papers were laid before Government, they in all cases gave the offending parties the benefit of the doubt. Still, as it would be remembered, some of the fishermen made complaints, which complaints, although unjust, I am sorry to say were in some instances made and supported on oath, of harshness on the part of the cruisers, and an attempt was made to agitate the public mind of the United States against the people of Canada, and there was at that time a feeling on the part of a large portion of the people of the United States, which feeling I am, however, happy to say has since disappeared, that the action of Canada was unfriendly. Her Majesty's Government were of course appealed to by the authorities of the United States on all these subjects, and the complaints were handed from one Government to the other, and provided a source of great irritation. While this feeling was being raised in the United States there was, on the other hand, a feeling among our fishermen that our rights were, to a very great degree, invaded. In order to avoid the possibility of dispute, in order to avoid any appearance of harshness, in order, while we were supporting our fishery rights, to prevent any case of collision between the Imperial Government and the United States, or between the Canadian authorities and the United States, we avoided making seizures within the bays,

or in any way bringing up the "headland question." This was very unsatisfactory, because, as it was said by the fishermen, "if we have these rights we should be protected in the exercise of them." And it was, therefore well that that question should be settled at once and for ever. In addition, however, to the question of headlands, a new one had arisen, of an exceedingly unpleasant nature. By the wording of the Convention of 1818, foreign fishermen were only allowed to enter our waters for the purpose of procuring wood, water, and shelter; but they claimed that they had a right, although fishing vessels, to enter our ports for trading purposes; and it was alleged by our own fishermen that under pretence of trading, American fishermen were in the habit of invading our fishing grounds, and fishing in our waters. The Canadian Government thought it therefore well, to press, not only by correspondence, but by a delegate, who was a member of the Government, upon Her Majesty's Government the propriety of having that question settled with the United States, and consequently my friend and colleague, the Postmaster General, went to England to deal with that subject. The results of his mission are before Parliament. At the same time that he dealt with the question I have just mentioned, he pressed upon the consideration of Her Majesty's Government the propriety of England making, on our behalf, a demand on the United States Government for reparation for the wrongs known as "the Fenian Raids." England agreed to press upon the United States both these matters, and to ask that all the disputed questions relating to the inshore fisheries, under the Convention of 1818, should be settled in some mode, to be agreed upon between the two nations; and also to press upon the United States the wrong sustained by Canada at the hands of citizens of the United States, who had invaded our country. Before Her Majesty's Government had actually, in compliance with their promise, made any representation on these two subjects to the United States Government, England had been engaged, on her own behalf, in a controversy of a very grave character. It was known that what was commonly known as the "Alabama Claims," was a subject of dispute between the two countries, involving the gravest consequences, and that hitherto the results had been most unsatisfactory. An attempt had been made to settle the question by what was known as the Johnson-Clarendon Treaty, but that Treaty had been rejected by the United States authorities. So long as this question remained unsettled between the two nations there was no possibility of the old friendly relations that had so long existed between them being restored, and England felt that it was of the first importance to her that those amicable relations should be restored. It was not only her desire to be in the most friendly position towards a country which was so closely associated with her by every tie—by common origin, by common interest, by com-

mon language—but it was also her interest to have every cloud removed between the two nations, because she had reason to feel that her position with respect to the other Great Powers of the world was greatly affected by the knowledge which those other nations had of the position of affairs between the United States and herself. The prestige of Great Britain as a great Power was affected most seriously by the absence of an *entente cordiale* between the two nations. Two years ago England was, as a matter of course, greatly interested in the great and serious questions which were then convulsing Europe, and was in danger of being drawn by some complication into hostile relations with some of the conflicting Powers, and she felt,—and I speak merely what must be obvious to every hon. member in the House, that she could not press or assert her opinion, with the same freedom of action, so long as she was aware, and so long as other nations were aware, that in case she should be unfortunately placed in a state of hostility with any nation whatever, the United States Government would be forced by the United States people to press at that very time, when she might be engaged in mortal conflict with another nation,—for a settlement of those Alabama claims. Hence, Mr. Speaker, the great desire of England in my opinion, that that great question should be settled, and hence also, the intermingling of the particular questions relating to Canada with the larger Imperial questions. And, sir, in my opinion, it was of greater consequence to Canada than to England, at least of as great consequence, that the Alabama question should be settled (cheers). Sir, England has promised to us, and we have all faith in that promise, that in case of war, the whole force of the Empire should be exerted in our defence (cheers). What would have been the position of England, and what would have been the position of Canada, if she had been called upon to use her whole force to defend us, when engaged in conflict elsewhere. Canada would, as a matter of course in case of war between England and the United States, be the battle ground. We should be the sufferers, our country would be devastated, our people slaughtered, and our property destroyed; and while England would, I believe, under all circumstances, faithfully perform her promise to the utmost (cheers,) she would be greatly impeded in carrying out her desire, if engaged elsewhere. It was therefore, as much the interest of this Dominion as of England, that the Alabama and all other questions that in any way threatened the disturbance of the peaceful relations between the two countries should be settled and adjusted; and therefore, although to a considerable extent I agree with the remarks that fell from the Minister of Finance when he made his Budget speech, that looking at the subject in a commercial point of view, it might have been better, in the interest of Canada, that the fishery and Fenian ques-

tions should have been settled free and apart from the Imperial question. I am pleased, and I was pleased, that the fact of Canada having asked England to make these demands upon the United States, gave an opportunity for re-opening the negotiations with respect to the Alabama and other matters. It was fortunate that we made that demand, for England could not, with due self-respect, have initiated or re-opened the Alabama question. She had concluded a treaty in London with the representative of the United States, and this treaty having been rejected by the Supreme Executive of the United States, England could not herself have reopened negotiations on the subject. And, therefore, it was fortunate, I say, for the peace of the Empire, and for the peace of Canada, that we asked England to make these demands upon the United States as it afforded the opportunity of all these questions being made again the subject of negotiation. The correspondence which is before the House, between the Secretary of State of the United States and the British Ambassador, Sir Edward Thornton, has shown how that result was arrived at. The invitation was made by the British Ambassador to consider the Fishery Question. The United States Government, I have no doubt, though, I do not know it as a matter of fact, by a quiet and friendly understanding between the two powers, replied acceding to the request, on condition that the larger and graver matters of dispute were also made a matter of negotiation. Hence, it was sir, that the arrangements were made under which the Treaty of Washington was effected. Sir, I have said that it was of the greatest consequence to Canada, and to the future peace and prosperity of Canada, that every cloud which threatened the peace of England and the United States should be dispelled. I was struck with an expression that was used to me by a distinguished English statesman, that those powers in Europe who are not so friendly to England heard with dismay that the *entente cordiale* between the two nations was to be renewed (hear, hear), and you have seen mentioned in the public press the active exertions that were made by one power, or by the representative of one power, for the purpose of preventing that happy result (hear, hear), and although Mr. Catacazy has been disavowed by the Government of Russia, in the same way as poor Vicovich was on a previous occasion when he was the organ of Russia in the East. I cannot but feel that he was punished only because his zeal outran his discretion. I can vouch for his active exertions for the purpose of preventing this Treaty of Washington receiving the sanction of the Senate of the United States (hear, hear). While England therefore was strongly interested in the settlement of these questions both for herself and for Canada, the United States were also interested and made overtures in a most friendly spirit. I believe that there was a real desire among the people of the United States to be

friendly towards England. I believe that the feeling of irritation which had been caused by the unhappy events of the war, and by the escape of the Alabama had almost entirely disappeared, and I hope and believe that the people of the United States were then, and are now strongly in favor of establishing permanently a friendly feeling between the two nations. Then, besides, they had a further interest in settling all matters in dispute. So long as the United States and England were not on friendly terms, so long as they were standing aloof from each other, it effected very considerably the credit of the United States securities in Europe. Not only the funds of the United States as a whole, but the securities of every State of the Union, and of all American enterprises seeking the markets of the world were injuriously affected by the unsatisfactory relations between the two countries. They were, therefore, prepared to meet each other in this negotiation. To proceed with the history of the circumstances immediately preceding the formation of the Joint High Commission at Washington, I will state that on the first February, 1871, a communication was made to me by His Excellency the Governor General, on behalf of Her Majesty's Government, asking me, in case there was going to be a Joint Commission to settle all questions between England and the United States, whether I would act as a member of that Commission. I give the date because it has been asked for. The communication was verbal, and founded upon a telegraphic communication to His Excellency, which cannot be printed, being of a nature which the House can readily understand, ought not properly to be laid before this House. This communication was, in the first place, for myself alone, I was not allowed to mention it for the time to any one else. My reply was that I would be greatly embarrassed by any injunction of secrecy, as regards my colleagues and that under no circumstances would I accept the position without their consent. I subsequently received permission to communicate it to them, and I received their consent to act upon the Commission. Before accepting, however, I took occasion, for my own information and satisfaction, to ask, through His Excellency, what points of agreement and of difference existed between England and Canada with regard to the Fisheries. The answer was a very short one, by cable, and it was satisfactory to myself. It was afterwards extended in the despatch of the 16th of February, 1871. It shortly stated that of course it was impossible for Her Majesty's Government to pledge themselves to any foregone conclusion; that as it was a matter of negotiation, it was, of course, out of the question on the part of either Government to give cast-iron instructions to their representatives, because that would do away with every idea of a negotiation. But the despatch went on to say that Her Majesty's Government considered our right to the inshore fisheries beyond dis-

pute; that they also believed that our claims as to the headlands were just, but that those claims might properly be a matter of compromise. It went on further to state that Her Majesty's Government believed that, as a matter of strict right we could exclude the American fishermen entering our ports for purposes of trade and commerce, and that they could only enter our waters, in the language of the Treaty, for wood, water, and shelter; but that this, in the opinion of Her Majesty's Government, would be a harsh construction of the Treaty, and might properly be a subject for compromise. On reading that despatch, I could have no difficulty, as a member of the Canadian Government, in accepting this position, to which my colleagues assented, of Plenipotentiary to Washington, because, as a matter of law, our view of those three points was acknowledged to be correct, and the subject was therefore devoid of any embarrassment from the fact of Canadians setting up pretensions which Her Majesty's Government could not support (hear, hear). When the proposition was first made to me I must say that I felt considerable embarrassment, and great reluctance to become a member of the Commission. I pointed out to my colleagues that I was to be one only of five, that I was in a position of being overruled continually in our discussions, and that I could not by any possibility bring due weight from my isolated position. I felt also that I would not receive from those who were politically opposed to me in Canada that support, which an officer going abroad on behalf of his country generally received, and had a right to expect (hear, hear.) I knew that I would be made a mark of attack, and this House well knows that my anticipations have been verified. I knew that I would not get fair play (hear, hear). I knew that the same policy that had been carried out towards me for years and years would continue, and therefore it was a matter of grave consideration for myself whether to accept the appointment or not. Sir, a sense of duty prevailed (cheers,) and my colleagues pressed upon me also that I would be wanting in my duty to my country if I declined the appointment; that if from a fear of the consequences, from a fear that I would sacrifice the position I held in the opinions of the people of Canada, I should shirk the duty, I would be unworthy of the confidence that I had received so long from a large portion of the people of Canada (cheers). What, said my colleagues, would be said, if in consequence of your refusal, Canada was not represented, and her interest in these matters allowed to go by default? England, after having offered that position to the first Minister, and it having been refused by him, would have been quite at liberty to have proceeded with the Commission and the settlement of all all these questions without Canada being represented on the Commission, and those very men who attack me now for having been there and taken a certain course, would have been

just as loud in their complaints and just as bitter in their attacks, because I had neglected the interest of Canada and refused the responsibility of asserting the rights of Canada at Washington. [Cheers.] Sir, knowing as I said before what the consequences would be to myself of accepting that office, and foreseeing the attacks that would be made upon me I addressed a letter to His Excellency the Governor General informing him of the great difficulties of my position and that it was only from a sense of duty that I accepted the position [cheers]. On proceeding to Washington I found a general desire among the two branches into which the Joint High Commission had divided itself, an equal desire, I should say, on the part of the United States Commissioners as well as of the British Commissioners that all questions should be settled so far as the two Governments could do so. There was a special desire that there should be a settlement. It was very easy for the Commissioners, or the Government through their representatives to make a Treaty, but in the United States there is a power above and beyond the Government, the Senate of the United States which had to be considered. It was felt that a second rejection of a Treaty would be most disastrous for the future of both nations; that it would be a solemn declaration that there was no peaceable solution of the questions between the two nations. An American statesman said to me, "the rejection of the Treaty now means war." Not war to-morrow or at any given period, but war whenever England happened to be engaged in other troubles, and attacked from other sources (hear, hear). You may therefore imagine Mr. Speaker, and this House may well imagine the solemn considerations pressing upon my mind, as well as upon the minds of my colleagues in Canada with whom I was in daily communication, if by any unwise course, or from any rigid or preconceived opinions we should risk the destruction for ever of all hope of a peaceable solution of the difficulties between the two kindred nations [cheers]. Still Sir, I did not forget that I was their chosen representative. I could not ignore the fact that I was selected a member of that Commission from my acquaintance with Canadian politics. I had continually before me, not only the Imperial question, but the interests of the Dominion of Canada which I was here specially to represent, and the difficulty of my position was that if I gave undue prominence to the interests of Canada I might justly be held in England, to be taking a purely Colonial and selfish view, regardless of the interests of the Empire as a whole, and the interests of Canada as a portion of the Empire and on the other hand, if I kept my eye solely to Imperial considerations might be held as neglecting my special duty towards this my country of Canada. It was a difficult position as the House will believe, a position that pressed upon me with great weight an severity at the time, and it has not

been diminished in any wise since I have returned, except by the cordial support of my colleagues, and I believe also my friends in this House, (cheers). In order to show that I did not for a moment forget that I was there to represent the interests of Canada, I must ask you to look at the despatch of 16th February, 1871, which reached me at Washington, a few days after I arrived there—it will be seen that Lord Kimberly used this expression, “as at present advised, Her Majesty’s Government are of opinion that the right of Canada to exclude Americans from fishing in the waters within the limits of three marine miles of the coast, is beyond dispute, and can only be ceded for an adequate consideration. Should this consideration take the form of a money payment, it appears to Her Majesty’s Government that such an arrangement would be more likely to work well than if any conditions were annexed to the exercise of the privilege of fishing within the Canadian waters.” Having read that despatch, and the suggestion that an arrangement might be made on the basis of a money payment, and there being an absence of any statement that such an arrangement would only be made with the consent of Canada, I thought it well to communicate with my colleagues at Ottawa, and although we had again and again received assurances from Her Majesty’s Government that those rights would not be affected, given away, or ceded, without our consent, it was thought advisable, in consequence of the omission of all reference to the necessity of Canada’s assent being obtained to any monetary arrangement, to communicate by cable that Canada considered the Canadian Fisheries to be her property, and they could not be sold without her consent. That communication was made by the Canadian Government on the 10th March, and of that Government I was a member; and not only did that communication proceed from the Canadian Government to England, giving them fair notice that the Canadian Government, of which I was so a member, would insist upon the right of dealing with her own fisheries, but I took occasion to press upon the Head of the British Commission at Washington, that my own individual opinion, as representing Canada, should be laid before Her Majesty’s Government. The answer that came back at once by cable was extended in full in the despatch of the 17th March, 1871; and it was most satisfactory, as it stated that Her Majesty’s Government had never any intention of advising Her Majesty to part with those fisheries without the consent of Canada. Armed with this, I felt that I was relieved of a considerable amount of my embarrassment. I felt that no matter what arrangements might be made—no matter whether I was out-voted by my colleagues on the Commission, or what instructions might be given by Her Majesty’s Government, the interests of Canada were safe, because they were in her own hands, and reserved for her own decision. Now, Mr. Speaker, it must not be supposed

that this was not a substantial concession on the part of Her Majesty’s Government. It is true that Lord Kimberley stated in his despatch of 17th March, that “when the Reciprocity Treaty was concluded, the Acts of the Nova Scotia and New Brunswick Legislatures relating to the Fisheries were suspended by Acts of those Legislatures, and the Fishery rights of Canada are now under the protection of a Canadian Act of Parliament, the repeal of which would be necessary in case of the cession of those rights to any foreign powers”—it is true in one sense of the word, but it is also true that if Her Majesty, in the exercise of Her power, had chosen to make a Treaty with the United States, ceding not only those rights, but ceding the very land over which those waters flow, that Treaty between England and the United States would have been binding, and the United States would have held England to it. No matter how unjust to Canada, after all her previous promises, still that Treaty would be a valid and obligatory Treaty between England and the United States, and the latter would have had the right to enforce its provisions, override any Provincial Laws and Ordinances, and take possession of our waters and rights. It would have been a great wrong, but the consequence would have been, the loss practically, of our rights forever, and so it was satisfactory that it should be settled as it has been settled without a doubt, appearing upon the records of the Conference at Washington. Now the recognition of the proprietary right of Canada in Her Fisheries forms a portion of the State Papers of both countries. Now the rights of Canada to those Fisheries are beyond dispute, and it is finally established that England cannot, and will not, under any circumstances whatever, cede those fisheries without the consent of Canada. So that in any future arrangement between Canada and England, or England and the United States the rights of Canada will be respected, as it is conceded beyond dispute that England has not the power to deprive Canada of them. We may now rest certain that for all time to come England will not, without our consent, make any cession of these interests. Now, Mr. Speaker, to come to the various subjects which interest Canada more particularly, I will address myself to them in detail, and first, I will consider the question of most importance to us, the one on which we are now specially asked to legislate, that which interests Canada as a whole most particularly, and which interests the Maritime Provinces especially. I mean the articles of the Treaty with respect to our fishery rights. I would in the first place say that the protocols which accompany the Treaty, and which are in the hands of every member, do not give chronologically an everyday account of the transactions of the Conference, although, as a general rule, I believe the protocols of such Conferences are kept from day to day; but it was thought better to depart from the rule on this occasion, and only to record

the conclusions arrived at; therefore, while the protocols substantially contain the result of the negotiations ended in the Treaty, they must not be looked upon as chronological details of facts and incidents as they occurred. I say so, because the protocol which relates more especially to the Fisheries would lead one to suppose that at the first meeting, and without previous discussion, the British Commissioners stated "that they were prepared to discuss the question of the Fisheries, either in detail or generally, so as either to enter into an examination of the respective rights of the two countries under the Treaty of 1818, and the general law of nations, or to approach at once the settlement of the question on a comprehensive basis." Now the fact is, that it was found by the British Commissioners when they arrived at Washington, and had an opportunity of ascertaining the feeling that prevailed at that time, not only among the United States Commissioners, but among the public men of the United States whom they met there, and from their communications with other sources of information, that the feeling was universal that all questions should be settled beyond the possibility of dispute in the future, and more especially that if by any possibility a solution of the difficulties respecting the Fisheries could be arrived at, or a satisfactory arrangement be made by which the Fishery question could be placed in abeyance as in 1854, it would be to the advantage of both nations. It must be remembered that the Commission sat in 1871, that the exclusion of American fishermen from our waters was enforced and kept up during the whole of 1870, and that great and loud, though I believe unfounded, complaints had been made that American fishing vessels had been illegally seized although they had not trespassed upon our waters. Persons interested had been using every effort to arouse and stimulate the minds of the people of the United States against Canada and the Canadian authorities, and it was felt and expressed that it would be a great bar to the chance of the Treaty being accepted by the United States, if one of the causes of irritation which had been occurring a few months before should be allowed to remain unsettled; collisions would occur between American fishermen claiming certain rights, and Canadians resisting those claims, and thereby unfriendly feeling would be aroused and all the good which might be effected by the Treaty would be destroyed, by quarrels between man and man engaged on the fishing grounds. This feeling prevailed, and I as a Canadian knowing that the people of Canada desired, and had always expressed a wish to enter into the most cordial reciprocal trade arrangements with the United States, so stated to the British Commissioners, and they had no hesitation, on being invited to do so, in stating that they would desire by all means to remove every cause of dissension respecting these fisheries by the restoration of the old Reciprocity Treaty of 1854. An attempt was made in

1865 by the hon. member for Sherbrooke (Sir A. T. Galt) and Mr Howland on behalf of Canada, to renew that Treaty, but failed, because the circumstances of the United States in 1865 were very different from what they were in 1854, and it appeared out of the question and impossible for the United States to agree to a Treaty with exactly the same provisions and of exactly the same nature as that of 1854. So the British Commissioners, believing that a treaty similar in detail to that of 1854 could not be obtained, urged that one conceived in the same spirit but adapted to the altered circumstances of the two countries should be adopted, and this view was strongly pressed upon the Joint Commission. This will appear from the protocol referring to this branch of the Treaty. It will also appear from the protocol that the United States Commissioners stated that the Reciprocity Treaty was out of the question, that it could not be accepted without being submitted to both branches of Congress, and that there was not the slightest possibility of Congress passing such an Act, and that the agreement by the two Governments to a treaty, including provisions similar in spirit to the Treaty of 1854, would only ensure the rejection of the Treaty by the Senate, and therefore that some other solution must be found. I believe that the United States Commissioners were candid and were accurate in their view of the situation. I believe that had the Treaty contained all the provisions, or the essential provisions of the Treaty of 1854, they would have insured its rejection by the Senate. When I speak of the conferences that were held on the fisheries I would state, for the information of those members of the House who may be unacquainted with the usage in such matters, that the Commissioners did not act at the discussions individually. The conference was composed of two units the British Commission and the United States Commission. If a question arose in conference on which either of the two parties, the British or American branch desired to consult together, they retired, and on their return expressed their views as a whole without reference to the individual opinions of the Commissioners. As an individual member of the British Commission, and behalf of Canada when it was found that we could not obtain a renewal of the Reciprocity Treaty, I urged upon my English colleagues that the Canadians should be allowed to retain the exclusive enjoyment of the inshore Fisheries, and that means should be used to arrive in some way or other at a settlement of the disputed questions in relation to the fisheries, so as to settle the headland question and the other one relating to trading in our ports by American fishermen, and I would have been well satisfied acting on behalf of the Canadian Government if that course had been adopted by the Imperial Government, but Her Majesty's Government felt, and so instructed her Commissioners; and it was so felt by the United States Commissioners, that

the leaving of the chance of collision between the American fishermen and the Canadian fishermen a matter of possibility would destroy or greatly prejudice the great object of the negotiations that were to restore the amicable relations and friendly feelings between the two nations, and therefore Her Majesty's Government pressed that these questions should be allowed to remain in abeyance, and that some other settlement in the way of compensation to Canada should be found. The protocol shows Mr. Speaker, that the United States Government through their Commissioners, made a considerable advance, in the direction of Reciprocity, because they offered to exchange for our inshore fisheries, in the first place the right to fish in their waters whatever that might be worth, and they offered to admit Canadian coal, salt, fish, and, after 1874, lumber. They offered Reciprocity in these articles. On behalf of Canada the British Commissioners said that they did not consider that that was a fair equivalent (hear, hear). It is not necessary that I should enter into all the discussions and arguments on that point, but it was pointed out by the British Commissioners that already a measure had passed one branch of the Legislature of the United States, making coal and salt free, and stood ready to be passed by the other branch, the Senate. It was believed at that time that the American congress for its own purpose, and in the interest of the American people, was about to take the duty of these articles, and therefore the remission could not be considered as in any way a compensation, as Congress was going to take off the duty whether there was a Treaty or not. Then as regards the duty on lumber which was offered to be taken off in 1874, we pointed out that nearly a third of the whole of the time for which the Treaty was proposed to exist would expire before the duty would be taken off our lumber. The British Commissioners urged that under those circumstances the offer could not be considered as a fair one, and that Canada had a fair right to demand compensation over and above these proposed reciprocal arrangements. Now, Mr. Speaker, before that proposition was made I was in communication with my colleagues. The Canadian Government was exceedingly anxious that the original object should be carried out, that if we could not get reciprocity as it was in 1854, that we should be allowed to retain our fisheries, and that the questions in dispute should be settled, but Her Majesty's Government taking the strong ground that their acceding to our wishes would be equivalent to an abandonment of carrying the Treaty into effect, the Canadian Government reluctantly said that from a desire to meet Her Majesty's Government's views as much as possible, and not to allow it to be felt in England that from a selfish desire to obtain all we desired we had frustrated the efforts of Her Majesty's Government, to secure peace, we consented that the propositions I have mentioned should be made, and so that proposition was made to the United States. Although I do not know it as a matter

of certainty, I have reason to believe that if it had not been for the action of this Legislature last session we should now be passing an act for the purpose of ratifying a Treaty in which coal, salt and lumber from Canada would be received into the United States free of duty.—(Hear, hear.) I have reason to believe that had it not been for the interposition of this Legislature—and I speak now of political friends as well as foes—those terms which were offered by the United States would have been a portion of the Treaty instead of its standing, as it does now.—(Applause.) I will tell the House why I say so. The offer was made early by the United States Government. The answer made by the British Commissioners was, that under the circumstances it was not a fair and adequate compensation for the privileges that were asked, and the British Commissioners at the suggestion of the Canadian Government referred the question to Her Majesty's Government whether they had not a right in addition to this offer of the United States to expect a pecuniary compensation, that pecuniary compensation to be settled in some way or other. That took place on the 25th of March, 1871. On the 25th of March I think the final proposition was made by the U. S. Government, and on the 22nd March, only two days before, the resolution carried in this House by which the duty was taken off coal and salt and the other articles mentioned. Before that resolution was carried here no feeling was expressed in the United States against the taking off the duty on Canadian coal and salt into the United States; no one raised any difficulty about it. I am as well satisfied as I can be of any thing which I did not see occur that the admission of Canadian coal and salt into the United States would have been placed in the Treaty if it had not been for the action of this Legislature. On the 25th of March that offer was made, and it was referred to England. The English Government stated that they quite agreed in the opinion that in addition to that offer there should be compensation in money, and then on the 17th of April the American Commissioners withdrew as they had the right to do their offer altogether. And why did they withdraw the offer altogether? One of the Commissioners in conversation said to me "I am quite surprised to find the opposition that has sprung up to the admission of Canadian coal and salt into our market. I was unprepared for the feeling that is exhibited." I knew right well what the reason was. The monopolists having the control of American coal in Pennsylvania and salt in New York, so long as the Treaty would open to them the markets in Canada for their products were willing that it should carry, because they would have the advantage of both markets but when the duty was taken off in Canada, when you had opened our market to them, when they had the whole control of their own market and free access to ours, whether for coal or salt, the monopolists brought down all their energies upon their friends in Congress, and through

them a pressure on the American Government for the purpose of preventing the admission of Canadian coal and salt into the American market, and from that I have no doubt came the withdrawal by the American Commissioners of their offer. When my hon. friend from Bothwell [Mr. Mills] said last Session, "there goes the Canadian National Policy," he was little aware of the consequences of the reckless course he had taken [hear, hear]. Hon. gentlemen may laugh, but they will find it no laughing matter. The people of Canada, both East and West, will hold to strict account those who acted so unpatriotically in this matter. Under these circumstances, Mr. Speaker, I felt myself powerless, and when the American Commissioners made their last offer, which is now in the Treaty offering reciprocity in fisheries, that Canadians should fish in American waters, and that Americans should fish in Canadian waters, and that fish and fish oil should be reciprocally free, and that if on arbitration it were found that the bargain was an unjust one to Canada, and Canada did not receive sufficient compensation for her fisheries by that arrangement, it was remitted to Her Majesty's Government to say what should be done, and as it will be seen by the last sentence of the protocol, "The subject was further discussed in the conferences of April 18th and 19th and the British Commissioners having referred the last proposal to the Government, and received instructions to accept it, the Treaty articles, 18 to 25, were agreed to at the Conference on the 23rd of April." Thus then it occurred that these articles from 18 to 25 are portions of the Treaty. One of these articles reserves to Canada the right of adoption or rejection and it is for this Parliament now to say whether under all the circumstances it should ratify or reject them. The papers that have been laid before the House show what was the opinion of the Canadian Government. Under present circumstances of that question, the Canadian Government believe that it is for the interest of Canada to accept the Treaty, to ratify it by legislation. [Hear, hear.] They believe it is for the interest of Canada to accept it, and they are more inclined to believe it from the fact which I must say has surprised me, and surprised my colleagues, and has surprised the country—that the portion of the Treaty which was supposed to be most unpopular and most prejudicial to the interests of the Maritime Provinces has proved to be the least unpopular. [Hear, hear.] Sir, I could not have anticipated that the American fishermen, who were offered the advantages of fishing in our waters would be to a man, opposed to the Treaty as inflicting upon them a great injury. I could not have anticipated that the fishermen of the Maritime Provinces who, at first expressed hostility, would now, with a few exceptions, be anxious for its adoption. [Hear, hear.] In viewing these articles of the Treaty, I would call the consideration of the House to the fact that their scope and aim have been greatly mis-

represented by that portion of the Canadian press which is opposed to the present Government. It has been alledged to be an ignominious sale of the property of Canada, a bartering away of the territorial rights of this country for money. Sir, no allegation could be more utterly unfounded than this. [Hear, hear.] It is no more a transfer and sale of the territorial rights of Canada than was the treaty of 1854. The very basis of this treaty is reciprocity. [Hear, hear.] To be sure it does not go as far and embrace as many articles as the treaty of 1854. I am sorry for it. I fought hard that it should be so, but the terms of this Treaty are terms of reciprocity, and the very first clause ought to be sufficient evidence upon that point, for it declares that Canadians shall have the same right to fish in American waters, that Americans will have under the Treaty to fish in Canadian waters. True it may be said that our fisheries are more valuable than theirs, but that does not affect the principle. The principle is this—that we were trying to make a reciprocity arrangement and going as far in the direction of reciprocity as possible. The principle is the same in each case, and as regards the Treaty that has been negotiated it is not confined to reciprocity in the use of the inshore fisheries of the two countries. It provides that the products of the fisheries of the two nations, fish oil as well as fish, shall be interchanged free. The only departure from the principle of reciprocity in the present treaty is the provision, that if it shall be found that Canada had made a bad bargain and had not received a fair compensation for what she gave; if it shall be found that while there was reciprocity as to the enjoyment of rights and privileges, there was not true reciprocity in value, then the difference in value should be ascertained and paid to this country. [Hear, hear.] Now if there is anything approaching to the dishonourable and the degrading in these proposals I do not know the meaning of those terms. [Hear, hear.] This provision may not be one that will meet the acceptance of the country, but I say that the manner in which it has been characterized, is a wilful and deliberate use of language which the parties employing it did not believe at the time to be accurate, and to which they resorted for political reasons, and in order to create misapprehensions in the country. Sir, there was no humiliation. Canada would not tolerate an act of humiliation on the part of its Government. England would neither advise nor permit one of her faithful colonies to be degraded and cast down [cheers]. But it is said that the American fisheries are of no value to us. They are not as valuable as ours it is true, but still they have a substantial value for us in this way—that the exclusion of Canadian fishermen from the American coast fisheries would have been a loss to the fishing interests of the Maritime Provinces, and I will tell you why. It is quite true that the mac-kerel fishery, which is the most valuable fishery on these coasts, belongs chiefly to Canada,

and that the mackeral of the American coast is far inferior in every respect to the Canadian fish, but it is also true that in American waters, the favorite bait to catch the mackeral with, known as the menhaden is found, and it is so much the favourite bait that, one fishing vessel having this bait on board, will draw a whole school of mackeral in the very face of vessels having an inferior bait. Now the value of the privilege of entering American waters for catching that bait is very great. If Canadian fishermen were excluded from American waters, by any combination among American fishermen or by any Act of Congress, they might be deprived of getting a single ounce of the bait. American fishermen might combine for that object, or a law might be passed by Congress forbidding the exportation of menhaden; but by the provision made in the Treaty, Canadian fishermen are allowed to enter into American waters to procure the bait, and the consequence of that is, that no such combination can exist and Canadians can purchase the bait and be able to fish on equal terms with the Americans. [Hear, hear.] It is thus seen, sir, that this Reciprocity Treaty is not a mere matter of sentiment—it is a most valuable privilege, which is not to be neglected, despised, or sneered at. With respect to the language of these articles some questions have been raised and placed on the paper, and I have asked the hon. gentlemen who were about to put them to postpone doing so: and I now warn hon. members, and I do it with the most sincere desire to protect the interests of Canada, if this Treaty becomes a Treaty, and we ratify the fishery articles—I warn them not to raise questions which otherwise might not be raised. I think, Mr. Speaker, there is no greater instance in which a wise discretion can be used, than in not suggesting any doubts. With respect, however, to the question which was put by the hon. member for the County of Charlotte—and it is a question which might well be put, and which requires some answer—I would state to that hon. gentleman, and I think he will be satisfied with the answer, that the Treaty of 1871, in the matter his questions refer to, is larger and wider in its provisions in favor of Canada than was the Treaty of 1854, and that under the Treaty of 1854 no question was raised as to the exact locality of the catch, but all fish brought to the United States market by Canadian vessels were free. I say this advisedly, and I will discuss it with the hon. gentleman whenever he may choose to give me the opportunity. The same practice will, I have no doubt, be continued under the Treaty of 1871, unless the people of Canada themselves raise the objection. The warning I have just now expressed I am sure the House will take in the spirit in which it is intended. No honorable member will, of course, be prevented from exercising his own discretion, but I felt it my duty to call the attention of the House to the necessity of great prudence in not raising needlessly, doubts as to the terms

of the Treaty. It will be remembered that we have not given all our fisheries away, the Treaty only applies to the fisheries of the old Province of Canada, and in order that the area should not be widened, it is provided that it shall only apply to the fisheries of Quebec, Nova Scotia, New Brunswick and Prince Edward Island, so that the Treaty does not allow the Americans to have access to the Pacific Coast fisheries, nor yet to the inexhaustable and priceless fisheries of the Hudson's Bay. Those are great sources of revenue yet undeveloped, but after the Treaty is ratified they will develop rapidly, and in twelve years from now when the two nations sit down to reconsider the circumstances and re-adjust the Treaty, it will be found that other and great wealth will be at the disposal of the Dominion. I may be asked, though I have not seen that the point has excited any observation why were not the products of the lake fisheries laid open to both nations, and in reply I may say that these fisheries were excepted at my instance. The Canadian fisheries on the north shores of the great lakes are most valuable. By a judicious system of preservation and protection we have greatly increased that source of wealth. It is also known that from a concurrence of circumstances and from situation the fisheries on the south shores are not nearly so valuable as ours, and it therefore appeared that if we once allowed the American fishermen to have admission to our waters, with their various engines of destruction, all the care taken for many years to cultivate that source of wealth would be disturbed, injured and prejudiced, and there would be no end of quarrels and dissatisfaction, in our narrow waters, and no real reciprocity, and therefore, that Canada would be much better off by preserving her own Inland Lake Fisheries to herself, and have no right to enter the American market with the products of those fisheries. This was the reason why the lake fisheries were not included in this arrangement. Now, Sir, under the present circumstances of the case, the Canadian Government have decided to press upon this House the policy of accepting this Treaty and ratifying the Fisheries Articles. I may be liable to the charge of injuring our case in discussing the advantages of the arrangement, because every word used by me may be quoted and used as evidence against us hereafter. The statement has been thrown so broadcast that the arrangement is a bad one for Canada, that in order to show to this House and the country that it is one that can be accepted, one is obliged to run the risk of his language being used before the Commissioners to settle the amount of compensation as an evidence of the value of the Treaty to us. It seems to me that in looking at the Treaty in a commercial point of view, and looking at the question whether it is right to accept the articles, we have to consider that interest which is most peculiarly first affected. Now, unless I am greatly misinformed, the fishing interests, with one or two exceptions for local reasons in Nova Scotia, are altogether

in favor of the Treaty.—(Hear, hear.) They are anxious to get admission of their fish into the American market; they would view with sorrow any action of this House which would exclude them from that market; they look forward with increasing confidence to a large development of their trade and of that great industry, and I say that being the case, if it be to the interest of the fishermen and for the advantage of that branch of the national industry, setting aside all other considerations, we ought not wilfully to injure that interest. What is the fact of the case as it stands now? The only market for the Canadian number one mackerel in the world is the United States. That is their only market and they are practically excluded from it by the present duty. The consequence of that duty is that they are at the mercy of the American fishermen; they are made the hewers of wood and drawers of water for the Americans. They are obliged to sell their fish at the American's own price. The American fishermen purchase their fish at a nominal value and control the American market. The great profits of the trade are handed over to the American fishermen or the American merchants engaged in the trade, and they profit, to the loss of our own people. Let any one go down the St. Lawrence on a summer trip, as many of us do, and call from the deck of a steamer to a fisherman in his boat and see for what a nominal price you can secure the whole of his catch, and that is from the absence of a market, and from the fact of the Canadian fisherman being completely under the control of the foreigner. With the duty off Canadian fish, the Canadian fisherman may send his fish at the right time, when he can obtain the best price, to the American market, and thus be the means of opening a profitable trade with the United States, in exchange. If, therefore, it is for the advantage of the Maritime Provinces, including that portion of Quebec which is so largely interested in the fisheries, that this Treaty should be ratified, and that this great market should be opened to them, on what ground should we deprive them of this right? Is it not a selfish argument that the fisheries can be used as a lever in order to gain reciprocity in flour, wheat and other cereals? Are you to shut them off from this great market in order that you may coerce the United States into giving you an extension of the reciprocal principle? Why, Mr. Speaker, if it were a valid argument, it would be a selfish one. What would be said by the people of Ontario if the United States had offered, for their own purposes, to admit Canadian grains free, and Nova Scotia had objected saying, "No, you shall not have that market; you must be deprived of that market for ever, unless we can take in our fish also; you must lose all that great advantage until we can get a market for our fish?" Apply the argument in this way and you will see how selfish it is. But the argument has no foundation, no basis of fact, and I will show this House how. In 1854, by a

strict and rigid observance of the principle of exclusion, the American fishermen were driven out of those waters. At that time the United States were free from debt, and from taxation, and they had large capital invested in their fisheries. Our fisheries were then in their infancy. They were a "feeble" people just beginning as fishermen, with little capital and little skill, and their operations were very restricted. I do not speak disparagingly but in comparison with the fishermen in the United States there was an absence of capital and skill. The United States were free from taxation, they had this capital and skill, and all they wanted was our Canadian waters in which to invest that capital and exercise that skill, but how is it altered now? Our fisheries are now no longer by which to obtain Reciprocity in grain. What do the United States care for our fisheries? The American fishermen are opposed to the Treaty. Those interested in the fisheries are sending petition after petition to the United States Government and Congress praying that the Treaty may be rejected. They say they do not want to come into our waters. The United States Government have gone into this Treaty with every desire to settle all possible sources of difficulty. Their fishermen complain that they will suffer by it, but the United States Government desire to meet us face to face, hand to hand, heart to heart, and to have an amicable settlement of all disputes. They know that they are not making political friends or gaining political strength because nearly the whole of the interest most affected by the Fishery articles is against the Treaty. But they desire that the ill-feelings which arose during the civil war, and from the Alabama case, should be forgotten. A feeling of friendship has grown up between the nations, and it can be no other desire than to foster and encourage that feeling which dictates the agreeing to these particular articles. The United States Government will simply say—well, if you do not like these arrangements, reject them—and the consequence will be on your own head if this friendship so auspiciously commenced is at any time broken by unhappy collisions in your waters. I am afraid I must apologize to the House for the uninteresting manner in which I have laid the subject before the House so far. I was shewing as well as I could my opinion and my reasons for that opinion, that under the circumstances, the Treaty, although it is not what I desired, and although it is not what I pressed for, ought to be accepted. I shall not pursue that branch of the subject to greater length, as during the discussion of the measure I have no doubt that I shall have again an opportunity to re-urge these and further views on the same subject as they may occur to me, or as they may be elicited. I shall however call the serious attention of the House, and especially of those members of the House who have given attention to the question in dispute as regards the validity of the several Treaties between the United States

and England, to the importance of this Treaty in this respect, that it sets at rest now and for ever the disputed question as to whether the Convention of 1818 was not repealed, and obliterated by the Treaty of 1854. This question, Mr. Speaker, is one that has occupied the attention of the United States Jurists and has been the subject of serious and elaborate discussions. From my point of view the pretension of the United States is erroneous, but it has been pressed, and we know the pertinacity with which such views are pressed by the United States. We have an example in the case of the navigation of the River St. Lawrence, which while it was discussed from 1822 to 1828, and was apparently settled then for ever between the two nations, was revived by the President of the United States in his address of 1870, and the difference between the point of view as pressed in 1828 by the United States and that pressed in 1870 was shewn by the result of the Treaty [Hon. Mr. Blake, "hear, hear."] And, sir, it was of great importance in my point of view that this question, which has been so pressed by American jurists, and considering also the pertinacity with which such views are urged, should be set at rest for ever. The question has been strongly put in the American Law Review of April 1871, in an article understood to have been written by Judge Pomeroy, a jurist of standing in the United States, and that paper, I believe, expresses the real opinion of the writer, erroneous though I hold it to be, and his candor is shown by this fact, as well as from the known standing of the man, that in one portion of the article he demolishes the claim of the American fishermen to the right to trade in our water. He proves, in an able argument, that the claim of American fishermen to enter our harbors for any purpose other than wood, water, and shelter, is without foundation. The view taken by that writer and others,—and among others by a writer whose name I do not know, but whose papers are very valuable from their ability, they appeared in the *N. Y. Nation*, is this: the Treaty of 1783 was a treaty of peace, a settlement of boundary, and a division of country between two nations. The United States contended that that Treaty was in force and is now in force, as it was a treaty respecting boundary, and was not abrogated or affected by the War of 1812. Under the Treaty of 1783, and by the terms of that Treaty, the fishermen of the United States had the unrestrained right to enter into all our waters up to our shores, and to every part of British North America. After 1815 England contended that that permission was abrogated by the war, and was not renewed by the Treaty of Peace of 1814. The two nations were thus at issue on that very grave point, and those who look back to the history of that day will find that the difference on that point threatened the renewal of war, and it was only settled by the compromise, known as the Convention of 1818, by which the claim of the Americans to fish within three miles of our shores, was renounced. The argument, is however, of a nature too technical

to be of interest to the House, and requires to be very carefully studied before it can be understood, I will not therefore trouble the House with that argument but I will read one or two passages to shew the general statement of the case.

"We shall now enquire whether the convention of 1818, is an existing compact, and if not, what are the rights of American fishermen under the treaty of peace of 1783."

"Since the expiration of the reciprocity treaty in 1866, the British Government, both at home and in the provinces, has, in its statutes, its official instructions, and its diplomatic correspondence, quietly assumed that the convention of 1818 is again operative in all its provisions. That the State Department at Washington should by its silence have admitted the correctness of this assumption, which is equally opposed to principle and to authority, is remarkable. We shall maintain the proposition that the treaty of peace of 1783 is now in full force, that all limitations upon its efficiency have been removed and that it is the only source and foundation of American fishing rights within the North Eastern Territorial waters. In pursuing the discussion we shall show, first, that the renunciatory clauses of the convention of 1818 have been removed; and secondly, that article III of the Treaty of 1783 thus left free from the restrictions of the subsequent compact, was not abrogated by the war of 1812."

The writer thus concludes:

"Article III of the Treaty of 1783 is therefore in the nature of an executed grant. It created and conferred at one blow rights of property, perfect in their nature, and as permanent as the dominion over the national soil. These rights are held by the inhabitants of the United States, and are to be exercised in British territorial waters. Unaffected by the war of 1812, they still exist in full force and vigor. Under the provisions of this Treaty, American citizens are now entitled to take fish on such parts of the coasts of Newfoundland as British fishermen use, and also on all the coasts, bays, and creeks, of all other His Britannic Majesty's dominions in America, and to dry and cure fish in any of the unsettled bays, harbours and creeks of Nova Scotia, the Magdalen Islands and Labrador.

"The final conclusion thus reached is sustained by principle and by authority. We submit that it should be adopted by the Government of the United States, and made the basis of any further negotiations with Great Britain."

I quote this for the purpose of shewing that the pretension was formally set up and elaborated by jurists of no mean standing or reputation and therefore it is one of the merits of this Treaty that it forever sets the dispute at rest. The writers on this subject, the very writers of whom I have spoken, admit that under this treaty the claim is gone, because it is a formal admission by the United States

Government that under the convention of 1818, we had on the 8th of May, 1871, the property in these inshore fisheries, and this was so admitted after the question had been raised in the United States, that the ratification of the treaty of 1854 was equal in its effect to an abrogation of the convention of 1818. They agree by this treaty to buy their entry into our waters, and this is the strongest possible proof that their argument could be no longer maintained. Just as the payment of rent by a tenant is the strongest proof of his admission of the right of the landlord, so is the agreement to pay to Canada a fair sum as an equivalent for the use of our fisheries, an acknowledgment of the permanent continuance of our right. So much, sir, for that portion of the treaty which affects the fisheries. I alluded a minute ago to the St. Lawrence. The surrender of the free navigation of the River St. Lawrence in its natural state, was resisted by England up to 1828. The claim was renewed by the present Government of the United States, and asserted in a message to Congress by the present President of the United States. Her Majesty's Government in the instructions sent to Her Commissioners, took the power and responsibility of this matter into her own hands. It was a matter which we could not control. Being a matter of boundary between two nations, and affecting a river which forms the boundary between the limits of the Empire and the limits of the United States, it is solely within the control of Her Majesty's Government, and in the instructions to the plenipotentiaries this language was used: "Her Majesty's Government are now willing to grant the free navigation of the St. Lawrence to the citizens of the United States on the same conditions and tolls as imposed on British subjects." I need not say, sir, that as a matter of sentiment I regretted this, but it was a matter of sentiment only. However there could be no practical good to Canada in resisting the concession, and there was no possible evil inflicted on Canada by the concession of the privilege of navigating that small piece of broken water between St. Regis and Montreal. In no way could it affect prejudicially the interest of Canada, her trade, or her commerce. Without the use of our canals the river was useless. Up to Montreal the St. Lawrence is open not only to the vessels of the United States, but to the vessels of the world, Canada courts the trade and the ships of the world, and it would have been most absurd to suppose that the ports of Quebec and Montreal should be closed to American shipping. No greater evidence short of actual war can be adduced of unfriendly relations than the fact of the ports of a country being closed to the commerce of another. It never entered into the minds of any that our ports should be closed to the trade of the world in general, or the United States in particular, no more than it would enter into the minds of the English to close the ports of London or Liverpool—those ports whither the flags of every nation

are invited and welcomed (cheers). From the source of the St. Lawrence to St. Regis the United States are part owners of the banks of the rivers, and by a well-known principle of international law the water flowing between the two banks is common to both, and not only is that a principle of law, but it is a matter of actual treaty. The only question then was whether, as the American people had set their hearts upon it, and as it could do no harm to Canada or to England, it would not be well to set this question at rest with the others, and make the concession. This was the line taken by Her Majesty's Government, and which they had a right to take; and when someone writes my biography—if I am ever thought worthy of having such an interesting document prepared—and when, as a matter of history, the questions connected with this treaty are upheld, it will be found that upon this, as well as upon every other point, I did all I could to protect the rights and claims of the Dominion (cheers). Now, sir, with respect to the right itself, I would call the attention of the House to the remarks of a distinguished English jurist upon the point. I have read from the work of an American jurist, and I will now read some remarks of Mr. Phillimore, a standard English writer on International law. What I am about to read was written under the idea that the Americans were claiming what would be of practical use to them. He was not aware that the difficulties of navigation were such that the concession would be of no practical use. He writes as follows:—

"Great Britain possessed the northern shores of the lakes, and of the river in its whole extent to the sea, and also the southern bank of the river from the latitude forty-five degrees north to its mouth. The United States possessed the southern shores of the lakes, and of the St. Lawrence, to the point where their northern boundary touched the river. These two governments were therefore placed pretty much in the same attitude towards each other, with respect to the navigation of the St. Lawrence, as the United States and Spain had been in with respect to the navigation of the Mississippi, before the acquisitions of Louisiana and Florida.

"The argument on the part of the United States was much the same as that which they had employed with respect to the navigation of the Mississippi. They referred to the dispute about the opening of the Scheldt in 1784, and contended that, in the case of that river, the fact of the banks having been the creation of artificial labour was a much stronger reason, than could be said to exist in the case of the Mississippi for closing the mouths of the sea adjoining the Dutch Canals of the Sas and the Swin, and that this peculiarity probably caused the insertion of the stipulation in the Treaty of Westphalia; that the case of the St. Lawrence differed materially from that of the Scheldt, and fell directly under the principle of free navigation embodied in the Treaty of Vienna re-

"specting the Rhine, the Neekar, the Mayne, "the Moselle, the Meuse, and the Scheldt. "But especially it was urged, and with a force "which it must have been difficult to parry, "that the present claim of the United States "with respect to the navigation of the St. "Lawrence, was precisely of the same nature "as that which Great Britain had put forward "with respect to the navigation of the Missis- "sippi when the mouth and lower shores of "that river were in the possession of another "State, and of which claim Great Britain had "procured the recognition by the Treaty of "Paris in 1763.

"The principal argument contained in the "reply of Great Britain was, that the liberty of "passage by one nation through the dominions "of another was, according to the doctrine of "the most eminent writers upon International "Law, a qualified occasional exception "to the paramount rights of property: "that it was what these writers called an "imperfect not a perfect right; that the Treaty "of Vienna did not sanction this notion of a "natural right to the free passage over rivers, "but, on the contrary, the inference was that "not being a natural right, it required to be "established by a convention; that the right of "passage once conceded must hold good for "other purposes besides those of trade in peace, "for hostile purposes in time of war; that the "United States could not consistently urge "their claim on principle without being pre- "pared to apply that principle by way of reci- "procity, in favor of British subjects, to the "navigation of the Mississippi and the "Hudson, to which access might be had from "Canada by land carriage or by the canals of "New York and Ohio.

"The United States replied, that practically "the St. Lawrence was a strait and was subject, "to the same principles of law; and that as "straits are accessory to the seas which they "unite and therefore the right of navigating "them is common to all nations, so the St. "Lawrence connects with the ocean those great "inland lakes, on the shores of which the sub- "jects of the United States and Great Britain "both dwell; and, on the same principle, the "natural link of the river, like the natural link "of the strait, must be equally available for the "purposes of passage by both. The passage "over land, which was always pressing upon "the minds of the writers on International "Law, is intrinsically different from a passage "over water; in the latter instance, no detri- "ment or inconvenience can be sustained by "the country to which it belongs. The track of "the ship is effaced as soon as made; the track "of an army may leave serious and lasting in- "jury behind. The United States would not "shrink from the application of the analogy "with respect to the navigation of the Missis- "sippi, and whenever a connection was effected "between it and Upper Canada, similar to that "existing between the United States and the "St. Lawrence, the same principle should be ap- "plied. It was, however, to be recollected that

"the case of rivers which both rise and disem- "bogue themselves within the limits of the same "nation is very distinguishable, upon principle "from that of rivers which, having their sources "and navigable portions of their streams in "States above, discharge themselves within the "limits of other States below.

"Lastly, the fact, that the free navigation "of rivers had been made a matter of convention "did not disprove that this navigation was a "matter of natural right restored to its proper "position by Treaty.

"The result of this controversy has hitherto "produced no effect. Great Britain has main- "tained her exclusive right. The United "States still remain debarred from the use of "this great highway, and are not permitted to "carry over it the produce of the vast and rich "territories which border on the lakes above to "the Atlantic ocean.

"It seems difficult to deny that Great Britain "may ground her refusal upon strict law; but "it is at least equally difficult to deny, first, "that in so doing she exercises harshly an ex- "treme and harsh law; secondly, that her con- "duct with respect to the navigation of the St. "Lawrence is in glaring and discreditable in- "consistency with her conduct with respect to "the navigation of the Mississippi. On the "ground that she possessed a small tract of "domain in which the Mississippi took its rise "she insisted on her right to navigate the en- "tire volume of its waters; on the ground "that she possesses both banks of the St. Law- "rence where it disembogues itself into the sea, "she denies to the United States the right of "navigation though about one-half of the wa- "ters of lakes Ontario, Erie, Huron and Su- "perior, and the whole of Michigan through "which the river flows, are the property of the "United States.

"An English writer upon international "Law cannot but express a hope, that this "*summun jus*, which in this case approaches to "*summa injuria* may be voluntarily abandoned "by his country. Since the late revolution "in the South American Provinces, by which "the dominion of Rosas was overthrown, there "appears to be good reason to hope that the "States of Paraguay, Bolivia, Buenos Ayres "and Brazil, will open the River Parana, to the "navigation of the world."

On reading a report of a speech of my hon. friend the member for Lambton, on this sub- ject—a very able and interesting speech, if he will allow me so to characterize it—I find that in speaking of the navigation of Lake Michi- gan, he stated that that lake was as much a portion of the St. Lawrence as the River itself. I do not know under what principle my hon. friend made that statement, but those inland seas as seas as much as the Black Sea is a sea and not a river. The lake is enclosed on all sides by the United States territory; no por- tion of its shores belong to Canada, and Eng- land has no right by international law to claim its navigation. Sir, she never has claimed it, for if my hon. friend will look into the matter,

he will find that these great lakes have ever been treated as inland seas, and as far as magnitude is concerned, are worthy of being so treated. Although Her Majesty's Commissioners pressed that the navigation of Lake Michigan should be granted as an equivalent for the navigation of the St. Lawrence, the argument could not be based on the same footing, and we did not and could not pretend to have the same grounds. It is, however, of little moment whether Canada has a grant by treaty of the free navigation of Lake Michigan or not, for the cities on the shores of that lake would never consent to have their ports closed, and there is no fear in the world of our vessels being excluded from those ports. The Western States, and especially those bordering on the Great Lakes, would resist this to the death. I would like to see a Congress that would venture to close the ports of Lake Michigan to the shipping of England, or of Canada, or of the world. The small portion of the St. Lawrence which lies between the two points I have mentioned would be of no use, as there is no advantage to be obtained therefrom as a lever to obtain reciprocity.

Hon. Mr. MACKENZIE: Hear, hear.

Hon. Sir JOHN A. MACDONALD: My hon. friend says "Hear, hear," but I will tell him that the only lever for the obtaining of reciprocity is the sole control of our canals. So long as we have the control of these canals we are the masters, and can do just as we please. American vessels on the down trip can run the rapids, if they get a strong Indian to steer, but they will never come back again unless Canada chooses, (hear.) The keel drives through those waters and then the mark disappears forever, and that vessel will be forever absent from the place that once knew it unless by the consent of Canada. Therefore as I pointed out before the recess as we had no lever in our fisheries to get Reciprocity, so we had none in the navigation of the St. Lawrence in its natural course. The real substantial means to obtain reciprocal trade with the United States is in the canals, and is expressly stated in the Treaty; and when the treaty in clause 27 which relates to the canals uses the words—"The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland and St. Lawrence, and other canals in the Dominion on terms of equality, &c.," it contains an admission by the United States, and it is of some advantage to have that admission, that the canals are our own property, which we can open to the United States as we please. The reason why this admission is important is this; article 26 provides that "the navigation of the River St. Lawrence ascending and descending from the 45th parallel of north latitude where it ceases to form the boundary between the two countries from to and into the sea shall forever remain free and open for the purposes of commerce to the citizens of the

United States, subject to any laws and regulations of Great Britain or of the Dominion of Canada, not inconsistent with such privileges of free navigation." Therefore lest it might be argued that as at the time the treaty was made it was known that for the purpose of ascent the river could not be overcome in its natural course, the provision granting the right of ascent must be held to include the navigation of the Canals, through which alone the ascent could be made. And so the next clause provides and specifies that these canals are specially within the control of Canada and the Canadian Government, and prevents any inference being drawn from the language of the preceding article. I know, sir, that there has been in some of the newspapers a sneer cast upon the latter paragraph of that article which gives the United States the free use of the St. Lawrence,—I refer to that part of the article which gives to Canadians the free navigation of the rivers Yukon, Poreupine and Stikine.

Hon. Mr. MACKENZIE—Hear, hear.

Hon. Sir JOHN A. MACDONALD—My hon. friend again says, "hear, hear." I hope that he will hear, and perhaps he will hear something he does not know, (hear, hear.) I may tell my hon. friend that the navigation of the River Yukon is a growing trade, and that the Americans are now sending vessels and are fitting out steamers for the navigation of the Yukon. I will tell my hon. friend that at this moment United States vessels are going up that river and are underselling the Hudson's Bay people in their own country, (hear, hear), and it is a matter of the very greatest importance to the Western country that the navigation of these rivers should be open to the commerce of British subjects, and that access should be had by means of these rivers, so that there is no necessity at all for the ironical cheer of my hon. friend. Sir I am not unaware that under an old Treaty entered into between Russia and England the former granted to the latter the free navigation of these streams, and for the free navigation of all the streams in Alaska. But that was a Treaty between Russia and England, and although it may be argued, and would be argued by England, that when the United States took that country from Russia it took it with all its obligations; yet Mr. Speaker, there are two sides to that question. The United States, I venture to say, would hang an argument upon it, and I can only tell my hon. friend that the officers of the United States have exercised authority in the way of prohibition or obstruction, and have offered the pretext that that was a matter which had been settled between Russia and England, that the United States now had that country, and would deal with it as they chose, and therefore, as this was a treaty to settle all old questions, and not to raise new ones, it was well that the free navigation of the rivers I have mentioned, should be settled at once between England and the United States, as before it had been between England and Russia. Before leaving the question of

the St. Lawrence, I will make one remark, and will then proceed to another topic, and that is, that the article in question does not in any way hand over or divide any proprietary rights on the River St. Lawrence, or give any sovereignty over it, or confer any right whatever, except that of free navigation. Both banks belong to Canada—the management, the regulation, the tolls, the improvement, all belong to Canada. The only stipulation made in the Treaty is that the United States vessels may use the St. Lawrence on as free terms as those of Canadian subjects. It is not a transfer of territorial rights—it is simply a permission to navigate the river by American vessels, that the navigation shall ever remain free and open for the purpose of commerce (and only for the purpose of commerce) “to citizens of the United States, subject to any laws and regulations of Great Britain, or of the Dominion of Canada, not inconsistent with the privilege of free navigation.” Now Mr. Speaker, I shall allude to one of the subjects included in the Treaty, which relates to the navigation of our waters, although it was not contemplated in the instructions given to the British Commissioners by Her Majesty's Government, in fact the subject was scarcely known in England, and that is what is known as the St. Clair Flats question. It is known that the waters of the River St. Clair and the waters of Lake St. Clair divide the two countries, that the boundary line which divides them is provided by treaty, that the Treaty of 1842 provides that all the channels and passages between the islands lying near the junction of the River St. Clair with the Lake, shall be equally free to both nations, so that all those channels were made common to both nations, and are so now. Canada has made appropriations for the purpose of improvement of these waters. There were also appropriations made—I forget whether by the United States or by the States of Michigan, or by private individuals—for the purpose of improving the waters, and the United States made a Canal in and through the St. Clair Flats. The question then arose whether that canal was in Canadian territory or within that of the United States. I have no doubt that the engineering officers appointed by the United States to choose the site of the canal and to construct it, acted in good faith in choosing the site, believing that it was in the United States, and from all I can learn, subsequent observations proved that to be the case.

Hon. Mr. MACKENZIE: Hear, hear,

Hon. Sir JOHN A. MACDONALD: My hon. friend says “Hear, hear,” and I have no doubt he will give us an argument, and an able one, too, as he is quite competent to do, to show that under the Treaty this canal is in Canada. An argument might be founded in favor of that view from the language of the report of the International Commissioners appointed to determine the boundary between the two countries, that is, if we looked at the language, and combined with that language

the evidence of those accustomed of old to navigate these waters. I admit that an argument might be based on the language of the report when it speaks of the old ship channel, and that the evidence and statements that have been made as to the position of that channel, might have left it a matter of doubt whether the canal or a portion of it was within the boundary of Canada, but the Commissioners not only made a report, but they added to it a map, to which they placed their signatures, and any one reading the report with the map and holding the map as a portion of the report, will see that this canal is in the United States. It might, but for the Treaty of Washington, have been unfortunate that it is so because it might, perhaps, have impeded the navigation of the flats by Canadian vessels. But the question is whether, under the old treaty, and the report and map made according to its provisions [which report and map form, in fact, a portion of such treaty] the canal is within the United States boundary or not. When the point was raised that the map was inconsistent with the report, Her Majesty's Government, I have no doubt under the advice of Her Majesty's legal advisers, said it was a point that would not admit of argument, that the two must be taken together and that the map explained and defined the meaning of the language of the report. But sir, “out of the nettle danger we pluck the flower safety.” The house will see by looking at the clause I referred to, that it is a matter of no consequence whether the canal is in the United States or Canada, because for all time to come that canal is to be used by the people of Canada on equal terms with the people of the United States. In the speech of my hon. friend to which I have referred, that canal he says is only secured to Canada during the ten years mentioned with reference to the fishery articles of the treaty. I say it is secured for all time, just as the navigation of the St. Lawrence is given for all time. The United States have gone to the expense of building the canal, and now we have the free use of it. If the United States put on a toll there we pay no greater toll than United States citizens, and it is of the first and last advantage to the commerce of both nations that the deepening of these channels should be gone on with; and I can tell my hon. friend, moreover, that in this present Congress there is a measure to spend a large additional sum of money on this canal out of the revenues of the United States for that object. So much for the St. Clair flats. Now, sir, as to some of the advantages to be gained by the Treaty, I would call the attention of the House to the 29th article, which ensures for the whole time of the existence of the Treaty—for twelve years at least—the continuance of “the bonding system.” We know how valuable that has been to us—how valuable during the winter months, when we are deprived of the use of our own seaports on the St. Lawrence. The fact that the American press has occasionally called for the abo-

lition of the system is a proof of the boon which they considered it to be. They have said at times, when they thought an unfriendly feeling existed towards them in Canada, that if Canadians *would* be so bumptious, they should be deprived of this system, and allowed to remain cooped up in their frozen country. If the United States should ever commit the folly of injuring their carrying trade by adopting a hostile policy in that respect, and they have occasionally, as we know, adopted a policy towards us adverse to their commercial interest, they could do so before this Treaty was ratified—they cannot do so now. For twelve years we have a right to the bonding system from the United States over all their avenues of trade, and long before that time expires I hope we shall have the Canadian Pacific Railway reaching to the Pacific Ocean, and with the Intercolonial Railway reaching to Halifax, we shall have an uninterrupted line from one seaboard to the other.—(Cheers.) This is one of the substantial advantages that Canada has gained by this Treaty. Then, sir, the 30th article conveys a most valuable privilege to the railways of Canada that are running from one part of the country to another, and I must take the occasion to say, that if this has been pressed upon the consideration of the American Government and American Commissioners at Washington, during the negotiation, much of the merit is due to the hon. member for Lincoln (Mr. Merritt). He it was who supplied me with the facts, he it was who called attention to the great wrong to our trade by the Act of 1866, and impressed by him with the great importance of the subject, I was enabled to urge the adoption of this article and to have it made a portion of the treaty. Now sir, that this is of importance, you can see by reading the Buffalo papers. Sometime ago they were crying out that the entrance had been made by this wedge which was to ruin their coasting trade, and that the whole coasting trade of the lakes was being handed over to Canada. Under this clause if we choose to accept it, Canadian vessels can go to Chicago, can take American produce from American ports, and can carry it to Windsor or Collingwood, or the Welland Railway. That some American produce can be sent in bond from those and other points along our Railways, giving the traffic to our vessels by water and our railways by land, to Lake Ontario, and can then be reshipped by Canadian vessels to Oswego, Ogdensburg, or Rochester, or other American ports; so that this clause gives us in some degree a relaxation of the extreme, almost harsh, exclusive coasting system of the United States (hear,) and I am quite sure that in this age of railways and when the votes and proceedings show that so many new Railway undertakings are about to start this will prove a substantial improvement on the former state of affairs. There is a provision that if, in the exercise of our discretion, we choose to put a differential scale of tolls on American vessels passing through our canals, and if

New Brunswick should continue her export duties on lumber passing down the river St. John, the United States may withdraw from this arrangement, so that it will be hereafter, if the treaty be adopted, and this act passed, a matter for the consideration of the Government of Canada in the first place, and of the legislature in the next, to determine whether it is expedient for them to take advantage of this boon that is offered to them. As to the expediency of their doing so, I have no doubt, and I have no doubt Parliament will eagerly seek to gain and establish those rights for our ships and railways. (hear, hear). The only other subject of peculiar interest to Canada in connection with the treaty—the whole of it of course is interesting to Canada as a part of the Empire, but speaking of Canada as such and of the interest taken in the treaty locally—the only other subject is the manner of disposing of the San Juan boundary question. That is settled in a way that no one can object to. I do not know whether many hon. members have ever studied that question. It is a most interesting one, and has long been a cause of controversy between the two countries. I am bound to uphold, and I do uphold the British view respecting the channel which forms the boundary as the correct one. The United States Government were, I believe, as sincerely convinced of the justice of their own case. Both believed they were in the right, both were firmly grounded in that opinion; and such being the case there was only one way of it, and that was to leave it to be settled by impartial arbitration. I think the house will admit that no more distinguished arbitrer could have been selected than the Emperor of Germany. In the examination and decision of the question he will have the assistance of able and eminent jurists as any in the world; for there is nowhere a more distinguished body than the jurists of Germany, who are especially familiar with the principles and practice of international law. Whatever the decision may be—whether for England or against it—you may be satisfied that you will get a most learned and careful judgment in the matter, to which we must bow if it is against us, and to which I am sure the United States will bow if it is against them.—(Hear, hear.) I think, sir, I have now gone through all the articles of interest connected with Canada, I shall now allude to one omission from it and then I shall have done, and that is the omission of all allusion to the settlement of the Fenian claims. That Canada was deeply wronged by those outrages, known as the Fenian Raids, is indisputable. England has admitted it, and we all feel it. We felt deeply grieved when those raids were committed, and the belief was general, in which I must say I share, that sufficient vigilance and due diligence were not exercised by the American Government to prevent the organization within their territory of bands of armed men openly hostile to a peaceful country, and to put an end to incursions by men who carried war over our borders, slew our people, and

destroyed our property. It was therefore proper for us to press upon England to seek compensation at the hands of the American Government for these great wrongs. As a consequence of our position as a dependency we could only do it through England. We had no means or authority to do it directly ourselves; and consequently we urged our case upon the attention of England, and she consented to open negotiations with the United States upon the subject. In the instructions it is stated that Canada had been invited to send in a statement of her claims to England, and that it had not done so; and I dare say it will be charged—indeed, I have seen it so stated in some of the newspapers—that that was an instance of Canadian neglect. Now, it is not an instance of Canadian neglect, but an instance of Canadian caution, (hear, hear.) Canada had a right to press for the payment of those claims whatever the amount; for all the money spent to repel those incursions had been taken out of the public treasury of Canada and had to be raised by the taxation of the country. Not only had they right to press for that amount, but every individual Canadian who suffered in person or property because of those raids had a right to compensation. It was not for Canada, however, to put a limit to those claims, and to state what amount of money would be considered as a satisfactory liquidation of them. It has never been the case, when commissions have been appointed for the settlement of such claims to hand in those claims in detail before the sitting of the commission. What Canada pressed for was that the principle should be established that the demand should be made by England upon the United States, that that demand should be acquiesced in, that the question of damages should be referred to a tribunal like that now sitting at Washington for the investigation of claims connected with the civil war with the South, that time should be given within which the Canadian Government as a Government, and every individual Canadian who suffered by those outrages should have an opportunity of filing their claims, of putting in an account, and of offering proof to establish their right to an indemnity. The Canadian Government carefully avoided by any statement of their views the placing of a limit upon those claims in advance of examination by such a commission; and I think the House and country will agree that we acted with due discretion in that respect.—(Hear, hear.) Now, one of the protocols will show the result of the demand for indemnity. The demand was made by the British Commissioners that this question should be discussed and considered by the commission, but the United States Commissioners objected, taking the ground that the consideration of these claims was not included in the correspondence and reference. In doing that they took the same ground that my hon. friend the member for Sherbrooke, with his usual acuteness and appreciation of the value of language, took when the matter was

discussed in this House before my departure for Washington. He said then that he greatly doubted whether, under the correspondence which led to the appointment of the High Commission it could be held that the Fenian claims were to be considered; and although my hon. friend the Minister of Militia thought it might fairly be held that those claims were included, I myself could not help feeling the strength of the argument advanced by the hon. member for Sherbrooke, and I stated at the time that I thought there was great weight in the objection which he pointed out. The American Commissioners, as the event proved, raised that objection, maintaining that the point was not included in the correspondence in which the subjects of deliberation were stated, and when it was proposed to them by the British Commissioners, the American Commissioners declined to ask their Government for fresh instructions to enlarge the scope of their duty in that respect. Now, we could not help that. There was the correspondence to speak for itself, and it was matter of considerable doubt whether those claims were included in it. The British ambassador represented that he had always thought that the correspondence did include them; and he was struck with surprise—perhaps I ought not to say surprise, for that was not the expression he used—but he was certainly under the impression that it had been regarded by all parties that they were covered by the correspondence. Still, let any one read those letters, and he will find it is very doubtful. As it was doubtful, and as objection was raised on that ground, the British Commissioners had no power to compel the American Commissioners to determine the doubt in their favor, and force these claims upon their consideration. The consequence was that they were omitted from the deliberations of the Commission. Whose fault was that? Certainly not ours. It was the fault of Her Majesty's Government in not demanding in clear language, in terms which could not be misunderstood, that the investigation of these claims should be one of the matters dealt with by the Commission (hear, hear.) It was a great disappointment to my colleagues in Canada, that the objection was taken, and that all hope of getting redress for the injury done by those Fenian raids was destroyed so far as the Commission at Washington was concerned, in consequence of the defective language of the correspondence and the defective nature of the submission to the Commissioners. Now, England was responsible for that error. England had promised to make the demand, and England had failed to make it. Not only that, but Her Majesty's Government took the responsibility of withdrawing the claims altogether, and Mr. Gladstone fully assumed all the responsibility of this step, and relieved the Canadian Government from any share in it, when he stated openly in the House of Commons that the Imperial Government had seen fit to withdraw the claims, but that they had

done so with great reluctance and sorrow for the manner in which Canada had been treated. Canada, therefore, had every right to look to England for that satisfaction which she failed to receive through the inadequacy of the correspondence to cover the question. England, by taking the responsibility of declining to push the claims put herself in the position of the United States, and we had a fair and reasonable right to look to her to assume the responsibility of settling them. She did not decline that responsibility, and the consequence has been that although we failed to obtain redress from the United States for those wrongs, we have had an opportunity of securing compensation from England, which would not have been offered to us if it had not been for the steps taken by this Government [hear, hear]. But, sir, we are told that it is a great humiliation for Canada to take this money, or rather this money's-worth. Why, it is our due. We are entitled to it, and we must have it from some one. England refused to ask it for us from the United States, and she accepted all the responsibility which that refusal involved. She was wise in accepting that responsibility; she must take the consequences, and she is willing to do so. But the Canadian Government, on the other hand, were unwilling that the compensation which England thus acknowledged was due to us by her should take a direct pecuniary form. We were unwilling that it should be the payment of a certain amount of money, and there were several strong reasons why we should prefer not to accept reparation in that shape. In the first place, if a proposal of that kind were made, it would cause a discussion as to the amount to be paid by England of a most unseemly character. We would have the spectacle of a judge appointed to examine the claims in detail, with Canada pressing her case upon his attention, and England probably resisting in some cases, and putting herself in an antagonistic position which should not be allowed to occur between the Mother Country and the Colony. It was therefore, in the last degree undesirable that the relations between Canada and the Mother Country, which throughout have been of so friendly and pleasant a character, should be placed in jeopardy in that way; and accordingly a suggestion was made by us which, without causing England to expend a sixpence, or putting the least additional burden upon her people, would, if acted upon, do us more good, and prove of infinitely greater advantage than any amount of mere money compensation we could reasonably expect. This was a mode of disposing of the question in the highest degree satisfactory to both countries, and one which does not in the least compromise our dignity or our self-respect. [Hear, hear.] The credit of Canada, thank God, is well established; her good faith is known where ever she has had financial dealings. Her Majesty's Government can go to the House of Commons and ask for

authority to guarantee a Canadian loan with a well-grounded assurance that the people of England will never be called upon to put their hands in their pockets, or tax themselves one farthing to pay it. [Cheers]. At the same time the Imperial Government, by giving us this guarantee grants us a boon, the value of which in enabling us to construct the great works of public improvement we have undertaken was explained the other day so ably and in a manner that I would not attempt to imitate by my hon. friend the Finance Minister. Besides the double advantage to ourselves in getting the endorsement of England without disadvantage to the English people, there is to be considered the great, the enormous benefit that accrues to Canada from this open avowal on the part of England of the interest she takes in the success of our great public enterprises. [Cheers]. No one can say now when she is sending out one of her distinguished statesmen to take the place of the nobleman who now so worthily represents Her Majesty in the Dominion; no one can say when England is aiding us by endorsing a loan spreading over is many years, and which will not be finally extinguished till most of us now here will have been gathered to our fathers; no one can say under these circumstances she has any idea of separating herself from us and giving up the colonies. [Cheers.] The solid substantial advantage of being able to obtain money on better terms than we could on our own credit alone is not the only benefit this guarantee will confer upon us; for it will put a finish at once to the hopes of all dreamers or speculators who desire or believe in the alienation and separation of the colonies from the Mother Country. That is a more incalculable benefit than the mere advantage of England's guarantee of our financial stability, great and important as that is.—(Loud cheers.) Aye, but it is said that it is a humiliation to make a bargain of this kind. Why, sir, it was no humiliation in 1841 to obtain an Imperial guarantee for the loan necessary to construct the canals originally. It was not considered a humiliation to accept a guarantee for £1,400,000 in 1865 for the purpose of building fortifications; nor was it a humiliation to obtain £4,000,000 upon a similar guarantee to construct the Intercolonial Railway. Why is it a humiliation then in this case to accept the guarantee when England voluntarily comes forward and accepts the responsibility for withdrawing our claims in respect to the Fenian raids? It was by no prompting from us that that responsibility was assumed, for Mr. Gladstone rose of his own motion in the House of Commons and by accepting the responsibility, admitted that it should take a tangible shape. It did take such a shape, and I say a most satisfactory shape in the guarantee of £2,500,000 immediately, and we may say £4,000,000 in all ultimately.—(Cheers.) But I hear it objected that Canada ought not to have made a bargain at all. She should have allowed the Fenian claims to go, and dealt with

the Treaty separately, accepting or rejecting it on its merits. Sir, Canada did not make a bargain of that kind, but she went fairly and openly to Her Majesty's Government and said: Here is a Treaty that has been negotiated through your influence, and which affects important commercial interests in this country. It is unpopular in Canada in its commercial aspect, but it is urged on us for Imperial causes, and for the sake of the peace of the Empire, but the pecuniary interests of Canada should, in the opinion of the Canadian Government, be considered; and the undoubted claim of Canada for compensation for these Fenian outrages has been set aside. We may well therefore call upon you to strengthen our hands by shewing that you are unwilling to sacrifice Canada altogether for Imperial purposes solely. Sir, we asked that for Canada, and the response was immediate and gratifying, except that England did not accept the whole of our proposition to guarantee a loan of £4,000,000. But I am as certain as I am standing in this House, and I am not speaking without book, that had it not been for the unfortunate cloud that arose between the United States and England, which threatened to interrupt the friendly settlement of all questions between them, but which I am now happy to say is passing away, the difficulty would have been removed by England permitting us to add to the £2,500,000, £1,400,000 which she guaranteed some years since to be expended on fortifications and other defensive preparations. That money had not been expended, and there would now have been no object in applying it for the construction of works which would have been a standing menace to the United States, and which would have been altogether out of place immediately after signing a treaty of peace and amity. I do not hesitate to say, and I repeat I am not speaking without book, that I believe a proposition of that kind would have been acceptable to Her Majesty's Government, but when the cloud arose, when there was a possibility of this Treaty being held as a nullity, and when there was danger of the relations between the two countries returning to the unfortunate position in which they were before—then was not the time for England to ask us, or for us to propose to give up the idea of fortifying our frontier and defending our territory. Then was not the time either for the Canadian Government to shew an unwillingness to spend money upon these works, or to defend and retain the Dominion as a dependency of the Sovereign of England, [cheers]. I say, therefore, that while we are actually receiving a guarantee of £2,500,000, if the relations of England and the United States are again brought into harmony, and the lowering cloud which recently sprung up is removed, and removed in such a way as never to appear again, then it may fairly be thought, it may reasonably be calculated upon, that we will have a guarantee of the full amount of £4,000,000 in order to carry out the great improve-

ments we have entered upon. The Finance Minister has shewn you the advantages which will flow from that arrangement, and it would be presumption in me to add a word to what he so well said upon that point which was in the highest degree satisfactory to this House and in the highest degree also satisfactory to the people of the country. I shall now move the first reading of this Bill, and I shall simply sum up my remarks by saying that with respect to the Treaty I consider that every portion of it is unobjectionable to the country, unless the articles connected with the fisheries may be considered objectionable. With respect to those articles, I ask this house fully and calmly to consider the circumstances, and I believe, if they fully consider the situation, that they will say it is for the good of Canada that those articles should be ratified. Reject the Treaty, and you do not get reciprocity; reject the Treaty, and you leave the fishermen of the Maritime provinces at the mercy of the Americans; reject the Treaty, and you will cut the merchants engaged in that trade off from the American market. Reject the Treaty, and you will have a large annual expenditure in keeping up a marine police force to protect those fisheries amounting to about \$84,000 per annum. Reject the Treaty, and you will have to call upon England to send her fleet and give you both her moral and physical support, although you will not adopt her policy; reject the Treaty, and you will find that the bad feeling which formerly and until lately existed in the United States against England will be transferred to Canada; that the United States will say, and say justly, "Here, when two great nations like England and the United States have settled all their differences and all their quarrels upon a perpetual basis, those happy results are to be frustrated and endangered by the Canadian people, because they have not got the value of their fish for ten years" (cheers). It has been said by the honorable gentleman on my left Mr. Howe, in his speech to the Young Men's Christian Association, that England had sacrificed the interests of Canada. If England has sacrificed the interests of Canada, what sacrifice has she not made in the cause of peace. Has she not, for the sake of peace between those two great nations, rendered herself liable, leaving out all indirect claims to pay millions out of her own treasury? Has she not made all this sacrifice, which only Englishmen and English statesmen can know, for the sake of peace—and for whose sake has she made it? Has she not made it principally for the sake of Canada?—(Loud cheers.) Let Canada be severed from England—let England not be responsible to us and for us, and what could the United States do to England? Let England withdraw herself into her shell, and what can the United States do? England has got the supremacy of the sea—she is impregnable in every point but one, and that point is Canada; and if England does not call upon us to make a financial sacrifice; does find it for the good of the Empire that we,

England's first colony, should sacrifice something, I say that we would be unworthy of our proud position if we were not prepared to do so.—[Cheers.] I hope to live to see the day, and if I do not that my son may be spared to see Canada the right arm of England—[cheers]—to see Canada a powerful auxiliary to the Empire, not as now a cause of anxiety and a source of danger. And I think that if we are worthy to hold that position as the right arm of England, we should not object to a sacrifice of this kind when so great an object is attained, and the object is a great and lasting one. It is said that amities between nations cannot be perpetual. But I say that this Treaty which has gone through so many difficulties and dangers, if it is carried into effect, removes almost all possibility of war. If ever there was an irritating cause of war, it was from the occurrences arising out of the escape of those vessels, and when we see the United States people and Government forget this irritation, forget those occurrences, and submit such a question to arbitration, to the arbitration of a disinterested tribunal, they have established a principle which can never be forgotten in this world. No future question is ever likely to arise that will cause such irritation as the escape of the Alabama did, and if they could be got to agree to leave such a matter to the peaceful arbitration of a friendly power, what future cause of quarrel can in the imagination of man occur that will not bear the same pacific solution that is sought for in this. I believe that this Treaty is an epoch in the history of civilization, that it will set an example to the wide world that must be followed; and with the growth of the great Anglo Saxon family, and with the development of that mighty nation to the south of us, I believe that the principle of arbitration will be advocated and adopted as the sole principle of settlement of the differences between the English speaking peoples, and that it will have a moral influence in the world. And although it may be opposed to the antecedents of other nations that great moral principle which has now been established among the Anglo-Saxon family, will spread itself over all the civilized world [cheers]. It is not too much to say that it is a great advance in the history of mankind, and I should be sorry if it were recorded that it was stopped for a moment by a selfish consideration of the interests of Canada. Had the Government of Canada taken the course, which was quite open to them, to recommend Parliament to reject these articles, it might have been a matter of some interest as to what my position would have been. I am here at all events advocating the ratification of the Treaty, and, I may say, notwithstanding the taunts of the hon. gentlemen opposite, that although I was chosen for the position of a Commissioner, certainly because I was a Canadian, and presumably because I was a member of the Canadian Government, yet my commission was given to me as a British subject, as it was to Sir Stafford Northcote and other members of the commission. I

went to Washington as a Plenipotentiary, as Her Majesty's servant, and was bound by Her Majesty's instructions, and I would have been guilty of dereliction of duty if I had not carried out those instructions. And, sir, when I readily joined under the circumstances in every word of that Treaty with the exception of the Fishery articles, and when I succeeded in having inserted in the Treaty a reservation to the Government and the people of Canada of the full right to accept or refuse that portion of it, I had no difficulty as to my course [cheers]. I did not hesitate to state that if that clause had not been put in, I would have felt it necessary to resign my commission. I was perfectly aware in taking the course I did in signing the Treaty that I should be subject to reproach. I wrote to my friends in Canada from Washington that well I knew the storm of obloquy that would meet me on my return, and before even I crossed the border I was complimented with the names of Judas Iscariot, Benedict Arnold, &c. The whole vocabulary of Billingsgate was opened against me, but here I am, thank God, to-day, with the conviction that what I did was for the best interests of Canada; and after all the benefits I have received at the hands of my countrymen, and after the confidence that has been accorded me for so many years, I would have been unworthy of that position and that confidence if I were not able to meet reproach for the sake of my country. I have met that reproach and I have met it in silence. I knew that a premature discussion would only exasperate still more the feelings of those who were arrayed against me, and of those who think more of their party than their country, (loud cheers.) I do not speak particularly of the hon. gentlemen opposite, but I say that the policy of the Opposition is regulated by a power behind the throne which dictates what that policy must be [cheers.] No one ever saw a patriotic policy emanate from that source except on one occasion, and that was when that source was induced by myself to forget party struggles and party feelings for the common good of the country. [Cheers.] I have not said a word for twelve months; I have kept silence to this day thinking it better that the subject should be discussed on its own merits. How eagerly was I watched! If the Government should come out in favor of the treaty, then it was to be taken as being a betrayal of the people of Canada. If the Government should come out against the treaty, then the first Minister was to be charged with opposing the interests of the Empire. Which ever course we might take they were lying in wait ready with some mode of attack. But "silence is golden," Mr. Speaker, and I kept silence. I believe the sober second thought of this country accords with the sober second thought of the Government, and we come down here and ask the people of Canada through their representatives to accept this treaty, to accept it with all its imperfections, to accept it for the sake of peace, and for the sake of the

great Empire, of which we form a part, I now beg leave to introduce the Bill, and to state that I have the permission of His Excellency to do so.

The hon. gentleman resumed his seat at 9:45, after having spoken for four hours and a quarter, amid loud and continued applause from all parts of the House.

